IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 4316 of 2005

Between:

G. Shivaji, S/o Late Narsoji,
E.No. 61264, R/o. 2-8-212, Ravindra Nagar Colony, Ramgiri, Nalgonda.

..... PETITIONER

AND

1. APSRTC, Musheerabad, Hyderabad, Rep by its Managing Director
2. The Depot Manager, APSRTC, Bus Depot, Suryapet, Nalgonda District.
3. The Secretary, APSRTC, Provident Fund Trust, Musheerabad, Hyderabad.
4. The Commissioner, Regional Provident Fund Commission,
   Bharakhathpura, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the action of 2nd respondent in not arranging one month withheld salary, not issuing the Identity Card on par with other retired employees, not arranging the full pension by the respondent No. 3,4 as illegal unjust, in violation of Art. 14, 16 and 21 of the constitution of India and consequently direct the respondents to arrange above benefits along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD

Counsel for the Respondent No.4:MS.KAVITA YADAV

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in not paying the one month withheld salary, in not issuing identity card on par with other similarly retired employees and in not arranging the full pension to him.

The grievance of the petitioner is that even though he retired from service after working in the first respondent-Corporation, the Corporation did not pay the one month withheld salary. Even though the same was withheld pending finalisation and after finalisation also the Corporation did not pay the one month withheld salary. Hence, the present claim. Similarly, the petitioner also claims that the Corporation did not issue identity card after his retirement on par with other similarly retired employees. Further, with reference to pension, the petitioner also claimed that full pension was not paid to him.

Heard the learned counsel for the petitioner, the learned Standing Counsel appearing for the Corporation and the learned Standing Counsel appearing for the fourth respondent.

With reference to the payment of one month withheld salary, it is represented by the learned Standing Counsel appearing for the Corporation that if the salary of the petitioner is not paid, the same may be directed to be paid. Accordingly, the Corporation is directed

to pay the one month withheld salary to the petitioner, if not already paid, within a period of two weeks from the date of receipt of a copy of this order.

Similarly, the first respondent-Corporation is also directed to issue identity card to the petitioner on par with other similarly retired employees, if the same is being followed, within a period of six weeks from the date of receipt of a copy of this order.

Coming to the petitioner's claim with regard to arrangement of full pension, a counter is filed by the fourth respondent stating that the pension is being paid after excluding the commuted pension. In view of the counter, the learned counsel for the petitioner has fairly conceded that when once commuted part of the pension has already been paid, the petitioner is entitled only for the balance pension. In view of the said submission, the petitioner is not entitled to any relief with reference to full pension.

The writ petition is disposed of with the above observations and directions. No costs.

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08.07.2005

VGB

To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.
2. The Depot Manager, APSRTC, Bus Depot, Suryapet, Nalgonda District.
3. The Secretary, APSRTC, Provident Fund Trust, Musheerabad, Hyderabad.
4. The Commissioner, Regional Provident Fund Commission,
   Bharakhathpura, Hyderabad.
5. 2CD copies.